

DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Engineered Particles and Methods of Use**; the specification of which was filed December 22, 1998, assigned Application Serial No. 09/219,736.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)**Priority Claimed**

No.: PCT/US98/20602 Country: PCT Date Filed: September 29, 1998

Yes

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR UNITED STATES APPLICATIONS**Priority Claimed**

No.: 60/060,337 Date Filed: September 29, 1997 Status: Lapsed

Yes

No.: 09/106,932 Date Filed: June 29, 1998 Status: Pending

Yes

No.: 09/133,848 Date Filed: August 14, 1998 Status: Pending

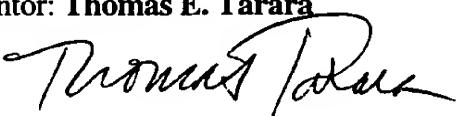
Yes

POWER OF ATTORNEY: I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith (if this application is assigned, I acknowledge that the appointed individuals do not represent me, and that instead they represent the assignee): Louis J. Knobbe, Registration No. 18,780; Don W. Martens, Registration No. 21,107; Gordon H. Olson, Registration No. 20,319; James B. Bear, Registration No. 25,221; Darrell L. Olson, Registration No. 28,247; William B. Bunker, Registration No. 29,365; William H. Nieman, Registration No. 30,201; Lowell Anderson, Registration No. 30,990; Arthur S. Rose, Registration No. 28,038; James F. Lesniak, Registration No. 25,240; Ned A. Israelsen, Registration No. 29,655; Drew S. Hamilton, Registration No. 29,801; Jerry T. Sewell, Registration No. 31,567; John B. Sganga, Jr., Registration No. 31,302; Edward A. Schlatter, Registration No. 32,297; Gerard von Hoffmann, Registration No. 33,043; Joseph R. Re, Registration No. 31,291; John M. Carson, Registration No. 34,303; Andrew H. Simpson, Registration No. 31,469; Daniel E. Altman, Registration No. 34,115; Ernest A. Beutler, Registration No. 19,901; Vito A. Canuso, Registration No. 35,471; William H. Shreve, Registration No. 35,678; Stephen C. Jensen, Registration No. 35,556; Steven J. Nataupsky, Registration No. 37,688; Michael H. Trenholm, Registration No. 37,743; AnneMarie Kaiser, Registration No. 37,649; Edward J. Treska, Registration No. 37,744; Nancy Ways Vensko, Registration No. 36,298; Glenn R. Smith, Registration No. 38,308; Jonathan A. Barney, Registration No. 34,292; Michael G. Del Monte, Registration No. 38,757; Ronald J. Schoenbaum, Registration No. 38,297; Richard C. Gilmore, Registration No. 37,335; John R. King, Registration No. 34,362; William S. Reimus, Registration No. 38,279; Frederick S. Berretta, Registration No. 38,004; Yasuo Muramatsu, Registration No. 38,684; Raimond J. Salenieks, Registration No. 37,924; Renée E. Canuso, Registration No. 36,657; Guy L. Cumberbatch, Registration No. 36,114; Michael L. Fuller, Registration No. 36,516 of Knobbe, Martens, Olson & Bear, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, CA 92660; and Christopher A. Dayton Registration No. 35,114 of Alliance Pharmaceutical Corp., 3040 Science Park Road, San Diego, CA 92121.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Thomas E. Tarara

Inventor's signature



Date



Residence: San Diego, California

Citizenship: United States of America

Post Office Address: 3120 Felt n Street, San Diego, California, 92104

PATENT

Attorney's Docket No. ALLIA.171CPC2

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Serial No. 09/219,736
Filing Date: December 22, 1998

Full name of second inventor: **Jeffry G. Weers**

Inventor's signature 

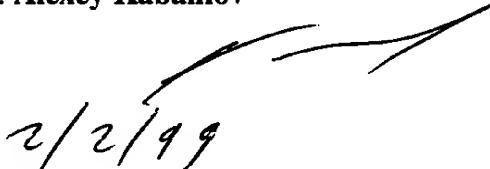
Date **11 Feb 99**

Residence: **San Diego, California**

Citizenship: **United States of America**

Post Office Address: **12191 Salix Way, San Diego, California, 92129**

Full name of third inventor: **Alexey Kabalnov**

Inventor's signature 

Date **2/2/99**

Residence: **Corvallis, Oregon**

Citizenship: **Russia**

Post Office Address: **2900 Highland Drive, Corvallis, Oregon 97330**

Full name of fourth inventor: **Ernest G. Schutt**

Inventor's signature 

Date **11 feb, 1999**

Residence: **San Diego, California**

Citizenship: **United States of America**

Post Office Address: **12139 Ragweed Street, San Diego, California, 92129**

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Serial No. 09/219,736
Filing Date: December 22, 1998

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Page 4

Full name of third fifth: Luis A. Dellamary

Inventor's signature: 

Date 11 Feb 99

Residence: San Marcos, California

Citizenship: Mexico

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SEARCHED SERIALIZED INDEXED FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tarara, Thomas E.; Weers, Jeffry G; Kabalnov, Alexey; Schutt, Ernest G.; and Dellamary, Luis A.

Application No.: 09/219,736 Group No.: 1615
Filed: December 22, 1998 Examiner: R. Bawa
For: ENGINEERED PARTICLES AND METHODS OF USE

Assistant Commissioner for Patents
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. section 3.73(b)
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Name of assignee: Inhale Therapeutic Systems, Inc.
Type of assignee: Corporation

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory.
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*



with sufficient postage as first class mail.



as "Express Mail Post Office to Address"
Mailing Label No. _____ (mandatory)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Date: 2/1/2000

Kathy Bonner
Signature

Kathy Bonner
(type or print name of person certifying)

***WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).*

"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

PERSON AUTHORIZED TO SIGN

3. Name of person authorized to sign on behalf of assignee: Stephen L. Hurst
Title of person authorized to sign: General Counsel

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at Reel 9835, Frame 0853.

B. A chain of title from the inventor(s) to the current assignee as shown below:

1. From: Thomas E. Tarara; Jeffry G Weers; Alexey Kabalnov; Ernest G. Schutt; and Luis A. Dellamaray

To: Alliance Pharmaceutical Corp.
Recorded in PTO: Reel 9835, Frame 0853

2. From: Alliance Pharmaceutical Corp.

To: Inhale Therapeutic Systems, Inc.

COPIES OF DOCUMENTS IN CHAIN OF TITLE

Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

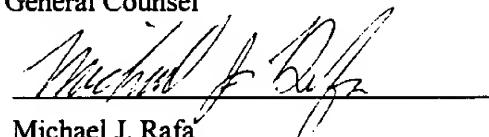
A1 Assignment from Inventors to Alliance Pharmaceutical Corp

B1 Assignment from Alliance Pharmaceutical Corp to Inhale Therapeutic Systems, Inc.



Signature of authorized person
Stephen L. Hurst
General Counsel

Date: 7/1/00



Michael J. Rafa
Registration No. 38,740
Inhale Therapeutic Systems, Inc.
150 Industrial Road
San Carlos, Ca 94070
650-631-3100
Customer No. 21968

Practitioner's Docket No. 0054.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tarara, Thomas E. et al.
Application No.: 09/219,736 Group No.: 1615
Filed: 12/22/98 Examiner: R. Bawa
For: ENGINEERED PARTICLES AND METHODS OF USE

Assistant Commissioner for Patents
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified application,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following practitioners are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Michael J. Rafa, Registration No. 38,740
Felissa H. Cagan, Registration No. 35,089
Susan T. Evans, Registration No. 38,443
Stephen L. Hurst, Registration No. 31,266

SEND CORRESPONDENCE TO:

Customer No.: 21968

DIRECT TELEPHONE CALLS TO:

650-631-3100

Assignee:

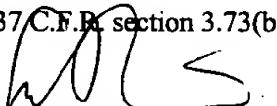
Inhale Therapeutic Systems, Inc.
150 Industrial Road
San Carlos, CA 94070U.S.A.

The assignment we submitted for recordation on 1/19/2000

ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. section 3.73(b)."

Date: 1/31/00



Signature
Inhale Therapeutic Systems, Inc.
Assignee
Stephen L. Hurst
General Counsel